

THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, NY 10007

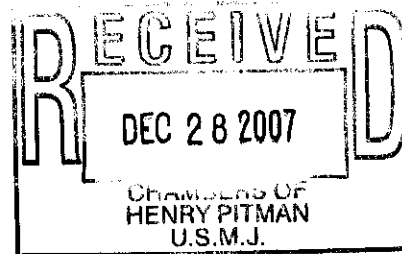
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December 27, 2007

BY HAND

Honorable Henry Pitman
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007



Re: Roldan, et al. v. City of New York, et al., 07 CV 9364 (BSJ) (HBP)

Dear Magistrate Judge Pitman:

I am an attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, counsel for defendant City of New York in the above-referenced action brought pursuant to 42 U.S.C. § 1983. Defendant respectfully requests that the time to respond to the complaint be extended from the current due date of January 8, 2008, to January 25, 2008. We ask also that the initial conference now set for January 8, 2007, at 4:30 p.m., be adjourned to another date after issue has been joined. After conferring with plaintiffs' counsel, I have learned that counsel for both sides are available on January 28 at any time; on January 29 beginning at 12:00 p.m. to the end of the day; on January 30 beginning at 4:00 p.m. to the end of the day; and on January 31 beginning at 12:00 p.m. to the end of the day. Plaintiffs' counsel has advised me that he consents to these requests.

The reason for this request is that I have had difficulty reaching the four individually-named defendants to address representational issues, because their assigned tours are not during normal business hours and because of their winter vacation schedules.¹ In

¹ Without appearing or making representations on their behalf, we respectfully request that they be granted the same enlargement so that their defenses will not be jeopardized while representation issues are being addressed.

addition, I have recently learned that I have a Court-ordered deadline for motion practice on January 24, 2008, in a matter pending before Judge Sullivan, which will take a substantial amount of my time during the first several weeks of January, as well as other previously-scheduled work commitments.

Defendant has made one previous request for an extension of time to respond to the complaint, from November 8, 2007, to January 8, 2008, which was granted by Judge Jones. No previous request for an adjournment of the initial conference has been made. Accordingly, we respectfully request that defendants' time to answer or otherwise respond to the complaint be extended to January 25, 2008, and that the initial conference in this matter be adjourned to one of the dates set forth above or to an alternative date thereafter that is convenient for the Court.

Thank you for your consideration herein.

Respectfully submitted,

Susan Scharfstein
Susan P. Scharfstein

cc: Richard Cardinale, Esq.
Cardinale & Marinelli
26 Court Street, Suite 1815
Brooklyn, NY 11242
(by hand)

*THE TIME WITHIN WHICH THE
CITY MUST ANSWER OR MOVE IS
EXTENDED TO 1-25-08. THE TIME WITHIN
WHICH THE INDIVIDUAL DEFENDANTS MUST ANSWER OR
MOVE IS NOT EXTENDED; COUNSEL CANNOT
SEEK RELIEF ON BEHALF OF DEFENDANTS
SHE DOES NOT REPRESENT. THE INITIAL CONFERENCE
IS ADJOURNED TO 1-28-07 AT 9:30 AM
IN COURT ROOM 18A*

SO ORDERED

Henry Pitman
HENRY PITMAN
UNITED STATES MAGISTRATE JUDGE

12-28-07